

Application No. 10/561,106
Amendment Dated June 7, 2007
Reply to Office Action dated April 30 2007
Attorney Docket No. 1469-053129

AMENDMENTS TO THE DRAWINGS

A replacement drawing sheet bearing Figs. 3 and 4 is submitted. Fig. 3 has been amended to add dashed lines and numeral 4' to indicate the "snap-in or snap-together" connection described in the paragraph at the top of page 19 of the specification. A replacement sheet is submitted bearing Figs. 5 and 6. The reference numerals "51" and "61" have been changed to "5A" and "6A."

Attachments: Replacement Sheets (2)
Annotated Sheets Showing Changes (2)

REMARKS

In response to the objection to the drawings, two (2) replacement drawing sheets are submitted.

A replacement drawing sheet bearing Figs. 3 and 4 is submitted. Fig. 3 has been amended to add dashed lines and numeral 4' to indicate the "snap-in or snap-together" connection described in the paragraph at the top of page 19 of the specification.

A replacement sheet is submitted bearing Figs. 5 and 6. The reference numerals "51" and "61" have been changed to "5A" and "6A." Corresponding amendments were made in the specification at pages 20 and 21.

The specification has been thoroughly reviewed to correct misspellings and to uniformly refer to elements throughout the specification. Replacement paragraphs have been submitted.

Claims 40, 41, and 42 have been amended to overcome the rejection based upon 35 U.S.C. § 112.

The Examiner has rejected claims 26 to 35, 37 to 39, and 44 to 51 under 35 U.S.C. § 102(b) citing Thiers WO 2004/048716 A1.

It is respectfully submitted that Thiers is not a valid § 102(b) reference. This application is a national phase application based upon a PCT application filed June 23, 2004 which designated the United States and also claims priority to a German application filed July 2, 2003.

Under 35 U.S.C. § 363, the international filing date of this application has the effect of the date "of a national application for patent regularly filed in the patent and trademark office." Thus, for a § 102(b) reference to be valid in this case, it must be published more than one year prior to June 23, 2004. The Thiers patent was published June 10, 2004, less than one year prior to the international filing date.

It is respectfully requested that the rejection based on § 102(b) be withdrawn.

Note the Applicant has claimed priority to German Patent Application No. DE 20310178.2, filed July 2, 2003. Just prior to filing this response, Applicant discovered by viewing Private Pair that a certified copy of DE 20310178.2 had been filed at the time this application was submitted. Unaware of this, Applicant sought to obtain a new certified copy,

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but was informed that the German Patent and Trademark Office no longer had a copy. This will explain the reason for Dr. Struck's declaration.

Filed herewith are the following:

1. A declaration of Dr. Norbert Struck, a German patent attorney;
2. A document certified by the German Patent Office attesting to the filing of DE 20310178.2 which is the priority application;
3. A true copy of the text of DE 20310178.2; and
4. An English translation of the text of DE 20310178.2 with attached statement of the translator.

We have submitted Dr. Stuck's declaration as prepared as it has attached the English -language translation with the translator's statement which apparently was not earlier submitted.

The Examiner has rejected claims 36 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Theirs in view of Konzelmann et al. U.S. Patent Application Publication No. 2004/0168392 A1. As pointed out above, the Thiers reference is overcome by reliance on the PCT filing data and by the Applicant's claim for priority to the German patent application filed July 2, 2003.

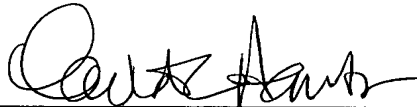
It is further noted that Konzelmann et al. U.S. Patent Application Publication No. 2004/0168392 A1, published September 2, 2004, is not a § 102(a), (b), or (e) reference against the above-identified application. The international filing date of the above-identified application is June 23, 2004 which predates the publication of Konzelmann et al. The Konzelmann et al. PCT application was not published in the English language and, therefore, is not effective as of its international filing date under 35 U.S.C. § 102(e).

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In view of the foregoing amendments and remarks, it is urged this case is now
in condition for allowance.

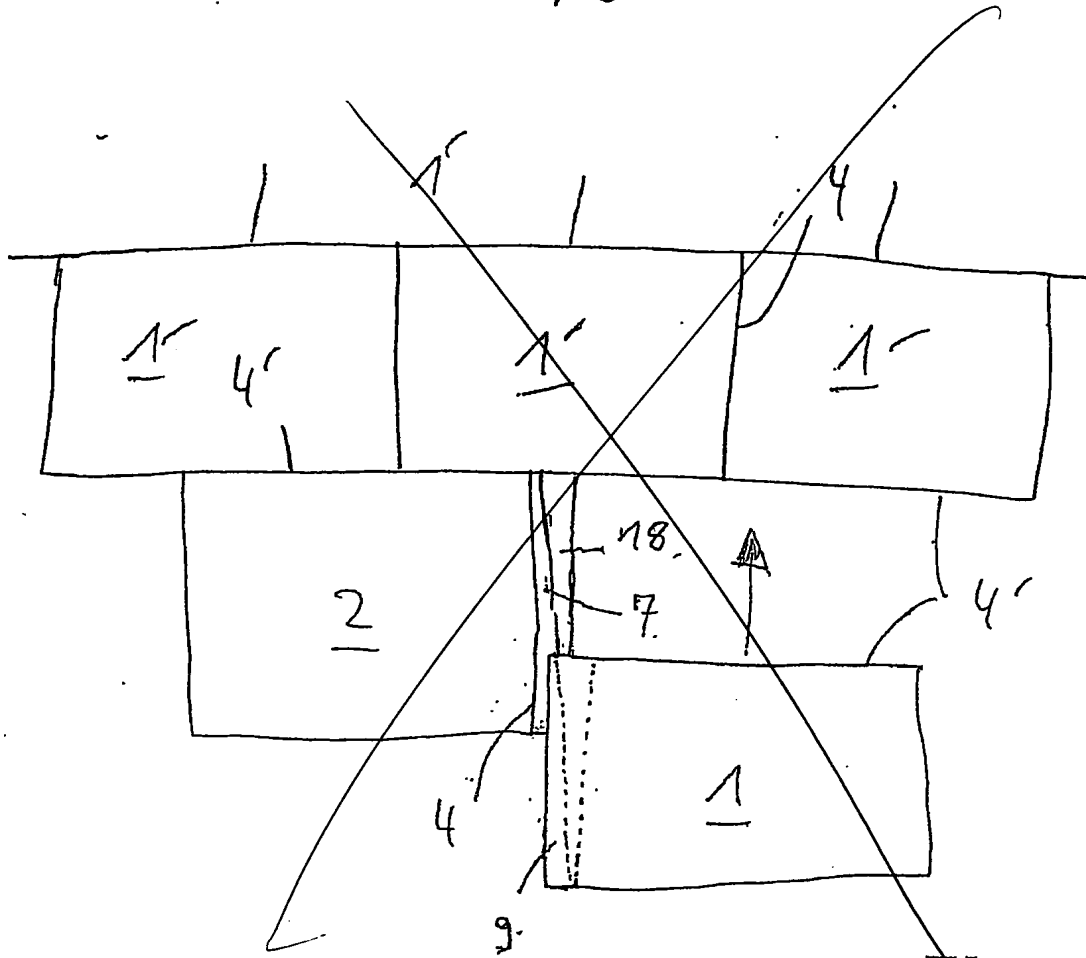
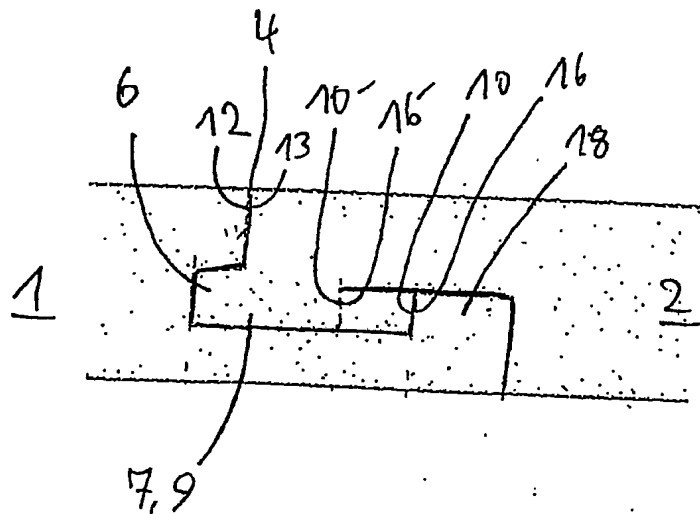
Respectfully submitted,

THE WEBB LAW FIRM

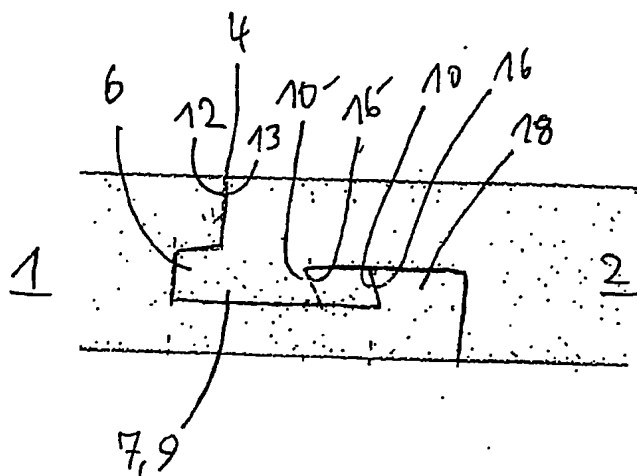
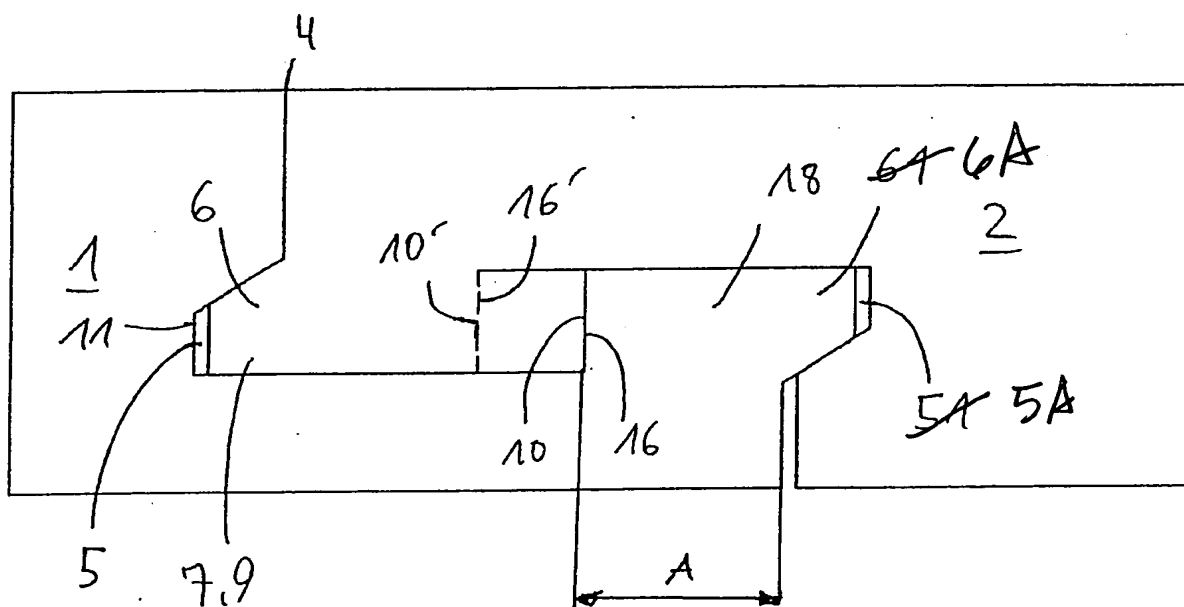
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**Fig. 3****Fig. 4**

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**Fig. 5****Fig. 6**